IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 6383 of 2006

JETHA SINGH

V/S

DEBT RELIF CUM CIVIL JUDGE (J.D.) & ORS

Mr. KISHAN BANSAL, for the appellant / petitioner

Date of Order : 5.1.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

The learned court has dismissed the claim of the petitioner on the ground that the document by which the amount was advanced was a mortgage deed and was required to be compulsorily registered.

Learned counsel for the petitioner relies upon the judgment of Hon'ble Supreme Court in Nawab Usmanali Khan vs. Sagar Mal reported in AIR 1965 SC 1798.

I have gone through the judgment, that judgment in my view has no application to the present case, inasmuch as, in that case the question under consideration was as to whether the award which adjudicated some existing rights regarding some sureties was required to be registered or it was found that the award only recognized the existing liabilities and did not create its own force or did not declare any interest in any immovable property and, therefore, it was found to be not requiring to be compulsorily registered.

The writ petition is thus no force and is dismissed.

(N P GUPTA),J.

/ashwini/